


<p>Attorney or Party Name, Address, Telephone and FAX Nos., State Bar No. & Email Address Michael Jay Berger Law Offices of Michael Jay Berger 9454 Wilshire Boulevard, 6th floor Beverly Hills, CA 90212 (310) 271-6223 Fax: (310) 271-9805 100291 CA michael.berger@bankruptcypower.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Law Offices of Brian D. Witzer, Inc.</p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</p>	
<p>In re:</p> <p style="text-align: center;">Law Offices of Brian D. Witzer, Inc.</p> <p style="text-align: right;">Debtor.</p>	<p>CASE NO.: 2:21-bk-12517-NB CHAPTER: 11</p> <p style="text-align: center;">NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER APPROVING A BUDGET FOR THE USE OF THE DEBTOR'S CASH AND POSTPETITION INCOME</p> <p>This motion is being made under <u>ONLY ONE</u> of the following notice procedures:</p> <p><input type="checkbox"/> No hearing unless requested under LBR 9013-1(o)(4); or <input checked="" type="checkbox"/> Hearing requested on emergency basis: LBR 9075-1(a); or <input type="checkbox"/> Hearing requested on shortened notice: LBR 9075-1(b); or <input type="checkbox"/> Hearing set on regular notice: LBR 9013-1(d):</p> <p>DATE: March 30, 2021 TIME: 2:00 p.m. COURTROOM: 1545 ADDRESS: 255 E. Temple Street, 15th Floor, Los Angeles, CA 90012.</p> <p>Hearing will be held via ZoomGov. Please refer to Hon. Bason's "Procedures for Telephonic and Video Appearances:</p> <p>https://www.cacb.uscourts.gov/judges/honorable-neil-w-bason</p>

1. **PLEASE TAKE NOTICE THAT** the Debtor moves this court for the entry of an order approving a budget for the use of the Debtor's existing cash and postpetition income and/or earnings.

2. **NOTICE PROVISIONS AND DEADLINES FOR FILING AND SERVING A WRITTEN RESPONSE:** Your rights might be affected by this Motion. You may want to consult an attorney. Refer to the box checked below for the deadline to file and serve a written response. If you fail to timely file and serve a written response, the court may treat such failure as a consent to the relief sought in the Motion and may grant the requested relief. You must serve a copy of your opposition upon the Debtor and Debtor's attorney and the United States trustee and also serve a copy on the judge assigned to this bankruptcy case pursuant to LBR 5005-2(d) and the Court Manual.

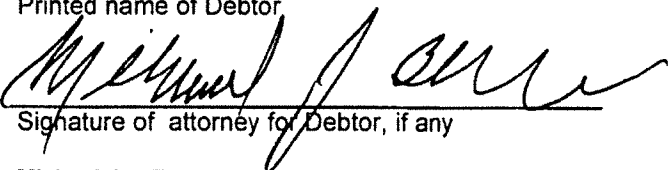
- a. ☐ **No Hearing Scheduled; Notice Provided Under LBR 9013-1(o):** This Motion is filed by Debtor pursuant to LBR 9013-1(o), which provides for granting of motions without a hearing. The full Motion is attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response and request for hearing with the court and serve it as stated above **no later than 14 days after the date stated on the Proof of Service of this Motion** plus 3 additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). Your opposition must comply with LBR 9013-1(f) and (o).
- b. ☒ **Hearing Requested on Emergency Basis under LBR 9075-1(a): Hearing Requested on Emergency Basis under LBR 9075-1(a):** Debtor has contacted the court and requested an emergency hearing on less than 48 hours notice. If the court grants the request, you will receive a separate Notice of Hearing that identifies the deadline for the Debtor to file and serve the Motion and the deadline for you to file and serve a written response. If the court denies the request to set an emergency hearing, the Debtor will provide written notice of a regular hearing date or other disposition of this motion and the deadline for filing an opposition.
- c. ☐ **Hearing Requested on Shortened Notice under LBR 9075-1(b):** Debtor has filed a separate application asking the court to set a hearing on shortened notice. The application is entitled Application for Order Setting Hearing on Shortened Notice (Application). If the court grants the Application, the Debtor will serve you with another document providing notice of the deadline to file and serve a written response. If the court denies the Application, the Debtor will provide written notice of a hearing date on regular notice or other proposed disposition of this motion.
- d. ☐ **Hearing Set on Regular Notice: Notice Provided Under LBR 9013-1(d):** This Motion is set for hearing on regular notice pursuant to LBR 9013-1(d). The full Motion and supporting documentation are attached, including the legal and factual grounds upon which the Motion is made. If you wish to oppose this Motion, you must file a written response with the court and serve it as stated above no later than 14 days prior to the hearing. Your response must comply with LBR 9013-1(f). The undersigned hereby verifies that the hearing date and time selected were available for this type of Motion according to the judge's self-calendaring procedures [LBR 9013-1(b)].
- e. ☐ **Other (specify):** _____

Date: 3/30/2021

By: 
Signature of Debtor

Name: Law Offices of Brian D. Witzer
Printed name of Debtor

Date: 3/30/2021

By: 
Signature of attorney for Debtor, if any

Name: Michael Jay Berger
Printed name of attorney for Debtor, if any

**MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER APPROVING A BUDGET FOR
THE USE OF THE DEBTOR'S CASH AND POSTPETITION INCOME**

In order for the Debtor to reorganize effectively, and avoid the accrual of administrative-level expenses, the Debtor must pay for reasonable actual household, business, and administrative expenses as they come due.


1. The Debtor's cash existing as of the date of the filing of the Debtor's bankruptcy petition is property of the Debtor's estate pursuant to 11 U.S.C. § 541(a). The Debtor's postpetition income and earnings earned during the course of the bankruptcy case are also property of the estate pursuant to 11 U.S.C. § 1115(a).
2. The Debtor shall not use cash collateral without the permission of the secured creditor or a separate order of the court.
3. Pursuant to 11 U.S.C. § 363(c), a Debtor may use property of the estate other than cash collateral without the permission of the secured creditor and without the need for notice or a hearing in the "ordinary course" of its business. The Debtor requires the use of property of the estate to pay for reasonable and necessary living, business and other administrative expenses, including but not limited to food, clothing, taxes, insurance and administrative fees.
 - a. The Debtor filed with the court Schedules I and J showing projected gross income, tax withholdings, other deduction and necessary living and business expenses. Copies are attached as Exhibit A and Exhibit B, respectively, to the declaration accompanying this Motion. The Debtor's gross income, tax withholdings and other deductions are set forth in Exhibit A and the Debtor's budget of approximate expenses by category is set forth in Exhibit B.

or

 - b. Attached as Exhibit A is the Debtor's monthly budget showing the Debtor's projected cash on hand and gross income and its source(s), and all anticipated expenses, deductions and withholding.
4. The Debtor requests authority to pay all of the projected expenses and to make all of the tax withholding and other deductions described in the attached budget or in Schedules I and J from cash on hand and from the income and/or earnings described on Schedule I or the attached budget.
5. The Debtor understands that he/she is required to file timely monthly operating reports with the court and serve the original on the United States trustee. The Debtor further understands that the use of all estate property, including the amounts authorized to be used pursuant to an order of the court granting this Motion, must be described and detailed in the monthly operating reports.
6. In addition to the expenses that the Debtor seeks to pay and withholdings and deductions that the Debtor seeks to make as described in the attached Schedule J or budget, the Debtor seeks the following additional relief from the court:
 - a.
 - b.
 - c.

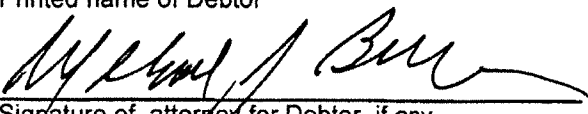
To the extent that court approval is required, the Debtor requests that the court authorize the Debtor to use property of the estate as defined in 11 U.S.C. §§ 541(a) and 1115(a) to pay his/her projected expenses and to make the withholding and other deductions as described in the attached budget or in Schedule J and that the court grant any additional relief sought in the Motion.

Date: 3/30/2021

By: 
Signature of Debtor

Name: Law Offices of Brian D. Witzer
Printed name of Debtor

Date: 3/30/2021

By: 
Signature of attorney for Debtor, if any

Name: Michael Jay Berger
Printed name of attorney for Debtor, if any

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

**DECLARATION OF DEBTOR IN SUPPORT OF MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER
APPROVING A BUDGET FOR THE USE OF THE DEBTOR'S CASH AND POSTPETITION INCOME**

1. I am the Debtor in this chapter 11 bankruptcy case. I make the following statements based upon my own personal knowledge.
2. a. Attached as Exhibit A and Exhibit B, respectively, true and correct copies of my Schedule I and J as filed with the court.
or
b. Attached as Exhibit A a true and correct copy of my monthly budget showing my projected cash on hand and gross income and its source(s), and all anticipated expenses, deductions and withholding.
3. Based upon my knowledge and experience, the attached is a reasonable estimate of my average or projected household, business, and/or administrative expenses.
4. I understand that I am not authorized to use cash collateral without the permission of my secured creditor(s) or a separate order of the court.
5. I understand that I am required to timely file monthly operating reports with the court and serve them on the United States trustee. I further understand that the use of all estate property, including the amounts authorized to be used pursuant to an order of the court granting this Motion must be described and detailed in the monthly operating reports.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/30/2021
Date

Brian D. Witzer
Printed Name

BDW
Signature

EXHIBIT-A

Law Offices of Brian Witzer
Six Month Projected Income and Expense Statement

	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21
Income						
Fees Paid by Clients*	\$11,000.00	\$70,000.00	\$2,500,000.00	\$600,000.00	\$600,000.00	\$10,000,000.00
Costs Recovered**	\$2,000.00	\$19,000.00	\$200,000.00	\$62,500.00	\$62,500.00	\$200,000.00
Pre-Petition Cash on Hand	\$418,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Gross Income	\$431,000.00	\$89,000.00	\$2,700,000.00	\$662,500.00	\$662,500.00	\$10,200,000.00
EXPENSES						
Payments to Secured Creditors						
Small Business Administration	\$0.00	\$731.00	\$731.00	\$731.00	\$731.00	\$731.00
Pravati	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
Office/Firm Related Expenses						
Utilities (Electricity, Gas, Water, Waste Removal)	\$1,558.00	\$1,558.00	\$1,558.00	\$1,558.00	\$1,558.00	\$1,558.00
Phones /Internet	\$1,145.00	\$1,145.00	\$1,145.00	\$1,145.00	\$1,145.00	\$1,145.00
Office Expense /Supplies	\$4,943.00	\$4,943.00	\$4,943.00	\$4,943.00	\$4,943.00	\$4,943.00
Rent for Venus Dr. Property	\$14,420.00	\$14,420.00	\$14,420.00	\$14,420.00	\$14,420.00	\$14,420.00
Health Insurance	\$6,021.00	\$6,021.00	\$6,021.00	\$6,021.00	\$6,021.00	\$6,021.00
General Commercial Liability (Worker's Comp, General Liability)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,500.00
Malpractice Insurance	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
Litigation Costs (Expert witness fees, court reporter fees, mediator fees, etc.)	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00
Contract Attorney	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
Outside service - driver	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
Equipment rental (copy machine, postage meter)	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00

Automobile Expenses (paying the lease payments for Debtor's employees)	\$3,117.00	\$3,117.00	\$3,117.00	\$3,117.00	\$3,117.00	\$3,117.00
Server Software Update, Computer, IT Support	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
Payroll Expenses						
Payroll (excluding insiders)	\$43,550.00	\$43,550.00	\$43,550.00	\$43,550.00	\$43,550.00	\$43,550.00
Payroll Tax	\$4,520.00	\$4,520.00	\$4,520.00	\$4,520.00	\$4,520.00	\$4,520.00
Payroll for Insider - Brian Witzer	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
US Trustee's Fees	\$325.00			\$975.00		
Law Offices of Michael Jay Berger Professional Fees Subject to Court's Approval	\$0.00	\$0.00	\$30,000.00	\$0.00	\$0.00	\$30,000.00
Jennifer Liu, CPA Professional Fees Subject to Court's Approval	\$0.00	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00
Total Expenses	\$249,599.00	\$250,005.00	\$290,005.00	\$250,980.00	\$250,005.00	\$283,505.00
Net Income***	\$181,401.00	-\$161,005.00	\$2,409,995.00	\$411,520.00	\$412,495.00	\$9,916,495.00

*The likelihood of recovery from the four upcoming trials this year and the large fees are the *estimated* results from these trials.

** "Costs recovered" are the advanced costs which the Firm recovers at the successful conclusion of a trial.

*** While on its face it appears that the Debtor has a substantial net disposable income, the reality is that a substantial portion of the fees and costs that are recovered in the upcoming trials will be re-invested in subsequent trials.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
9454 Wilshire Boulevard, 6th floor
Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify*): NOTICE OF MOTION AND MOTION IN INDIVIDUAL CHAPTER 11 CASE FOR ORDER APPROVING A BUDGET FOR THE USE OF THE DEBTORS CASH AND POSTPETITION INCOME will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 3/30/2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Proposed Counsel: Michael Jay Berger michael.berger@bankruptcypower.com,
yathida.nipha@bankruptcypower.com;michael.berger@ecf.inforuptcy.com
U.S. Trustee: Dare Law dare.law@usdoj.gov
United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 3/30/2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

3/30/2021
Date

Peter Garza
Printed Name

/s/ Peter Garza
Signature

3. SERVED BY EMAIL AND/OR FAX

U.S. Trustee

Dare Law dare.law@usdoj.gov

Secured Creditors:

Pravati Credit Fund III, LLP
c/o Chora Young & Manasserian LLP
Attn: Joseph Chora, Esq.
650 Sierra Madre Villa Ave. Ste 304
Pasadena, CA 91107-2141
Araceli@cym.law

Pravati Credit Fund III, LLP
c/o Fernald Law Group APC
Attn: Brandon C. Fernald, Esq.
510 W. 67th Street, Ste 700
Los Angeles, CA 90014
mariana@fernaldlawgroup.com

U.S. Business Administration
c/o Elan Levey, US Attorney's Office
300 N. Los Angeles Street
Fed. Bldg., Rm. 7516
Los Angeles, CA 90012
elan.levey@usdoj.gov

U.S. Small Business Admin
El Paso Loan Service Center
10737 Gateway West, Ste. 300
El Paso, TX 79935
elan.levey@usdoj.gov

20 Largest Unsecured Creditors:

Acosta & Associates LLC
600 West Germantown Pike, Suite 600
Plymouth Meeting, PA 19462
acostaandassociatesllc@gmail.com

Alan G. Bassman, CPA
Bassman, Adelman & Weiss, P.C.
630 Sentry Parkway East, Ste 200
Blue Bell, PA 19422
Alan@Bassman.com

Amicus Capital Group, LLC
26650 The Old Road, Suite 212
Stevenson Ranch, CA 91381
bill@amicuscapitalgroup.com

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2393 Venus Drive
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brian@witzerlaw.com

City of Los Angeles
Office of Finance
200 North Spring St., Rm 101
Los Angeles, CA 90012
Finance.customerservice@lacity.org

Harold Wrobel - Fazoula
14954 Corona Del Mar
Pacific Palisades, CA 90272
hwpalisades@aol.com

Leidy Yohana Witzer
2393 Venus Drive
Los Angeles, CA 90046
brian@witzerlaw.com

Mustang Funding LLC
120 Broadway Avenue South
Wayzata, MI 55391
philip@mustangfunding.com

The Solender Group
2516 Via Tejon #277
Palos Verdes Peninsula, CA 90274
Fax number (310) 445-5160